

ID. Date of interview  
date 12/02/20

ID. Time interview started  
start 10:31:17

ID.end Completion date of interview  
Date 12/02/20

ID.end Time interview ended  
10:56:55

ID. Duration of interview  
time 25.63

new case

## ICO consultation on the draft right of access guidance

Q1 Does the draft guidance cover the relevant issues about the right of access?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, what other issues would you like to be covered in it?

Q2 Does the draft guidance contain the right level of detail?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

Q4 We have found that data protection professionals often struggle with applying and defining 'manifestly unfounded or excessive' subject access requests. We would like to include a wide range of examples from a variety of sectors to help you. Please provide some examples of manifestly unfounded and excessive requests below (if applicable).

Staff or ex staff DSARs requesting access to "all personal data". Unstructured data such as emails run into hundreds of thousands (if not millions depending on length of tenure) of instances. These all need to be reviewed for applicability and redacted as appropriate. We have also seen a significant rise in pre-litigation requests where the DSAR is used as a way of pre-disclosure, without the legal controls surrounding "disclosure" such as the right of party to request further clarification on content of documents. There is no opportunity to do so in the DSAR process where redacted documents can be incredibly misleading.

Q5 On a scale of 1-5 how useful is the draft guidance?

1 - Not at all useful	2 – Slightly useful	3 – Moderately useful	4 – Very useful	5 – Extremely useful
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

More industries need to be covered and distinction made between size of company and types of systems/processes. It is not sustainable in a large consumer facing organisation with multiple customer touch points to mandate that a DSAR can be verbal, come in via social media, need not be called a DSAR (just asking for information) etc. Guidance should refer to controls, processes rather than de facto interpretation that may not work across different industries etc. Best practice proposals given on how to conduct a methodological DSAR to get some consistency - at the moment there is a great difference in interpretation on many aspects including what a data controller should produce. Should be tied into other parts of the legislation such as ROPAs etc and how they can be used to conduct a search. Examples of Employee DSARs and what should they expect to receive- there is a mis-understanding generally propagated by "ambulance chasing" third parties. Clearer distinction should also be made between what is "guidance" and what is "legislation" - perhaps a statement at the beginning of the guidance that an organisation is recommended to seek professional assistance for its particular circumstances.

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

example of principles to help conduct a DSAR: 1. A clearly defined Records of Processing 2. An inventory of data assets, mapped to data processes etc. 3. An effective and active control process that keeps both up-to-date 4. Set up a clear methodology for conducting DSARs within the parameters above. This should be a minimum for effective DSAR management Then in my humble, searching within those data assets should be deemed reasonable in the absence of further direction from the data subject.

Q9 Are you answering as:

- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Please specify the name of your organisation:

M&G plc

What sector are you from:

Insurance and Investment Management

Q10 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☒ ICO LinkedIn account
- ☐ ICO website
- ☐ ICO newsletter
- ☐ ICO staff member
- ☐ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

If other please specify: